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PATENT  
Attorney Docket No.: 10517-37US

Assistant Commissioner for Patents  
Washington, D.C. 20231

On

6-14-99



TOWNSEND and TOWNSEND and CREW LLP

By:

*W. Buller*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Volker Schmidt

Application No.: 08/836,369

Filed: May 13, 1997

For: TEMPERATURE-MEASUREMENT  
INSTRUMENT WITH DIFFRACTIVE  
OPTICS

Examiner: A. Hirshfield

Art Unit: 2859

DECLARATION OF WILLIAM  
MENCHINE UNDER 37 CFR §1.131

**RECEIVED**

JUN 18 1999

TECHNOLOGY CENTER 2800

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, WILLIAM MENCHINE, hereby declare that:

1. I am a co-inventor of the subject matter disclosed and claimed in U.S. Patent Application No. 08/836,369.
2. The subject matter claimed in the above patent application was reduced to practice in this country prior to September 17, 1993, the filing date of U.S. Patent No. 5,368,392 ("the '392 filing date").
3. The reduction to practice of the claimed invention is evidenced by ATTACHMENT A, which is an invoice for a commercially available circle generator beamsplitter diffraction grating which I obtained prior to the '392 filing date.
4. When the above-described diffraction grating arrived I immediately, and before the filing date of the '392 patent, implemented a laser aiming device using a He-Ne

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laser to illuminate the diffraction grating to produce a light intensity distribution for identifying and outlining the position and size of the measurement spot on the object of measurement by means of visible light. I used a Raytek Raynger PM radiometer having a detector for receiving heat radiation emanating from the measurement spot of the object of measurement and an IR optical system for imaging heat radiation emanating from the measurement spot onto the detector. The radiometer was attached to an optical bench, with the laser and diffraction grating aligned so that a circle of laser light was visible on the object of measurement that circumscribed the energy zone defined by the IR optics of the radiometer.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: April 12th, 1999

William Menchine  
William Menchine

Attachment A

3045, Ashby,  
Saint-Laurent  
Quebec, Canada  
H4R 2K3

Tel: (514) 335-1005  
Fax: (514) 335-4576

St-Laurent.

COMMERCIAL INVOICE

From: Lasiris Inc.  
3549 Ashby  
St-Laurent, (Quebec) Canada  
H4R 2K3  
C/O Alain Beauregard  
Tel.: (514) 335-1005

To: Raytek Corp.  
1201 Shaffer road  
Santa Cruz, CA 95060 USA  
C/O Mr. William Menchine  
Tel.: (408) 458-1175

DESCRIPTION OF GOODS

One circle generator beamsplitter diffraction  
grating, HSN: 9001.90

Amount

50US\$

THIS IS A SAMPLE FOR EVALUATION, THE VALUE IS FOR CUSTOM PURPOSE  
ONLY

Goods of canadian origin

One box

Weight: 11b

Date of departure: May 27, 1992

Shipped by Federal Express (next day service)

 LASIRIS INC.

  
Luc Many